

**FINAL**



## **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

[info@southernshores-nc.gov](mailto:info@southernshores-nc.gov)

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

**Planning Board Meeting**

**December 18, 2017**

**5:30 p.m., Pitts Center**

### **MEETING MINUTES**

#### **I. CALL TO ORDER:**

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members Joe McGraw, Elizabeth Morey, David Neal, Sam Williams, and Town Planner Wes Haskett were present.

#### **II. PLEDGE OF ALLEGIANCE:**

Chairperson Sam Williams led the Pledge of Allegiance.

#### **III. APPROVAL OF AGENDA:**

Joe McGraw motioned to approve the agenda. Elizabeth Morey seconded the motion. The motion passed unanimously (4-0).

#### **IV. APPROVAL OF MINUTES:**

Elizabeth Morey stated that she was not present at the November 6, 2017 Special Meeting and motioned to approve the November 6, 2017 Special Meeting minutes as amended. Joe McGraw seconded the motion. The motion passed unanimously.

Joe McGraw motioned to approve the December 4, 2017 Special Meeting minutes. Elizabeth Morey seconded the motion. The motion passed unanimously.

#### **V. PUBLIC COMMENT:**

Willo Kelly stated that the public comment period for proposed increases in the cost of homeowner's insurance ends on December 29, 2017.

#### **VI. NEW BUSINESS:**

- A. ZTA-17-06: Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-171, Lot Disturbance and Stormwater Management

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached).

Chairperson Williams stated that the Board had discussed potential amendments to Section 36-171, Lot Disturbance and Stormwater Management at the November 6, 2017 Special Planning Board meeting. Based on the Board's discussion, Wes Haskett prepared a Zoning Text Amendment application to address the following items:

- Language that permits the Town Manager or his/her designee to modify an existing stormwater permit requirement during the construction process;
- No fill material may be placed on a lot in the side setback areas unless the final vertical-to-horizontal slope ratio is equal to or less than 1:3;
- Stormwater plans shall include an engineer's certification on required stormwater plans certifying that the proposed stormwater improvements are in compliance with the Town's stormwater requirements.
- Language that stormwater improvements must be maintained.

Joe McGraw motioned to recommend approval of the ZTA to the Town Council. Elizabeth Morey seconded the motion. The motion passed unanimously.

Elizabeth Morey motioned that the Board finds the ZTA is consistent with the Town's currently adopted Land Use Plan and that it is reasonable and within the public's interest. Joe McGraw seconded the motion. The motion passed unanimously.

**VII. OLD BUSINESS:**

**A. Continued discussion of Tree Removal on Private Property as Part of Module One of the Town Code Update Project**

Chairperson Williams stated that the Board had discussed several options proposed by CodeWright Planners for tree removal on private property at the December 4, 2017 Special Planning Board meeting. At that meeting, the Board agreed that no changes to the Town Code were needed to address tree removal on private property but there was discussion of concerns with tree removal within the Town right-of-way. Currently, Section 28-4 states that property owners cannot cut trees in the Town right-of-way without approval from the Town Manager. The Town Manager has given blanket approval to remove or preserve trees in the Town right-of-way.

With respect to Capital Improvement Projects (CIP), the Town adopted a Resolution in 2010 which addresses street rebuilds and tree removal in the Town right-of-way. The Resolution includes a requirement that all stakeholders associated with a project be given an opportunity to comment on the project before a final decision is made.

Elizabeth Morey motioned to recommend to the Town Council that no changes be made to the Town Code with respect to tree removal on private property. David Neal seconded the motion. The motion passed unanimously.

**VIII. PUBLIC COMMENT:**

None.

**IX. PLANNING BOARD MEMBER COMMENTS:**

Elizabeth Morey expressed concern with the amount of time that the Board has taken with the Town Code Update project and how the Town Council has not always followed the Board's recommendations.

Chairperson Williams reviewed a schedule of future meeting dates and the topics to be discussed.

**X. ANNOUNCEMENTS:**

Chairperson Williams stated that the next two meetings will be held on January 3, 2018 and January 16, 2018 to continue discussion of Module One of the Town Code Update project.

**XI. ADJOURNMENT:**

Joe McGraw motioned to adjourn. Elizabeth Morey seconded the motion. The motioned passed unanimously and the meeting adjourned at 6:25 p.m.

ATTEST:

  
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Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:

  
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Wes Haskett, Town Planner

## STAFF REPORT

**To:** Southern Shores Planning Board  
**Date:** December 13, 2017  
**Case:** ZTA-17-06  
**Prepared By:** Wes Haskett, Town Planner/Code Enforcement Officer

### GENERAL INFORMATION

**Applicant:** Town of Southern Shores

**Requested Action:** Amendment of the Town Zoning Ordinance by amending Section 36-171, Lot Disturbance and Stormwater Management

### ANALYSIS

As directed by the Town Council, Town Staff is proposing to amend the Town Zoning Ordinance by amending Section 36-171, Lot Disturbance and Stormwater Management. Stormwater management was the first topic raised in Module One of the Town Code Update project that was identified as a "critical issue". At the November 6, 2017 Special Planning Board meeting, the Board discussed each option proposed by CodeWright Planners for stormwater in Module One and agreed that keeping the current stormwater requirements with some modifications is preferred. The recommended modifications to Section 36-171 are as follows:

- Language that permits the Town Manager or his/her designee to modify an existing stormwater permit requirement during the construction process;
- No fill material may be placed on a lot in the side setback areas unless the final vertical-to-horizontal slope ratio is equal to or less than 1:3;
- Stormwater plans shall include an engineer's certification on required stormwater plans certifying that the proposed stormwater improvements are in compliance with the Town's stormwater requirements.
- Language that addresses the maintenance of stormwater improvements.

The proposed language attempts to modify Section 36-171 in accordance with the aforementioned recommendations. The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 7:** Support stormwater management programs that reduce flooding and improve coastal water quality.

### RECOMMENDATION

Town Staff has determined that the proposed amendment is consistent with the Town's currently adopted Land Use Plan and Town Staff recommends that the Board consider this when making its recommendation to the Town Council. Please note that prior to adopting or rejecting any zoning amendment, the Planning Board shall adopt a statement describing whether its action is consistent with the adopted Town Comprehensive Land Use Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.